

**MINUTES  
of the  
SECOND MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**July 6-8, 2005  
Jicarilla Apache Nation, Dulce  
Torreon Chapter, Navajo Nation  
Pueblo of Zia**

The second meeting of the Indian Affairs Committee for the 2005 interim was called to order by Senator John Pinto, co-chair, on Wednesday, July 6, 2005, at 10:19 a.m. at the conference room of the Jicarilla Supermarket in Dulce.

**Present**

Rep. James Roger Madalena, Co-chair  
Sen. John Pinto, Co-chair  
Sen. Rod Adair  
Rep. Ray Begaye  
Rep. Manuel G. Herrera  
Rep. Patricia A. Lundstrom (7/6 & 7/7)  
Sen. Lidio G. Rainaldi  
Sen. Nancy Rodriguez (7/7 & 7/8)  
Sen. John C. Ryan  
Sen. Leonard Tsosie (7/6 & 7/7)  
Rep. Teresa A. Zanetti (7/8)

**Advisory Members**

Rep. Fred Luna (7/7)  
Sen. Richard C. Martinez  
Rep. Debbie A. Rodella (7/6)  
Rep. Nick L. Salazar  
Sen. William E. Sharer (7/6)

**Absent**

Sen. Dianna J. Duran  
Rep. Irvin Harrison  
Rep. Don L. Tripp  
Rep. W. C. "Dub" Williams

Sen. Ben D. Altamirano  
Sen. Joseph J. Carraro  
Rep. Ben Lujan  
Rep. Avon W. Wilson

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Charles H. Van Gorder  
Jennie Lusk  
Larry Matlock

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

## **Wednesday, July 6 - Jicarilla Apache Nation, Dulce**

### **Introductions**

Representative James Roger Madalena explained the purposes of the interim committee and members of the committee and the audience introduced themselves.

### **Jicarilla Apache Nation - Status Update**

Jicarilla Apache Nation President Levi Pasata introduced members of the Jicarilla Legislative Council who were attending the meeting with him. He noted that the nation and the state legislature have had a good working relationship and he hopes that it will continue. President Pasata then reviewed matters that are of particular concern to him regarding the nation. The first area of concern is problems related to drug abuse both within the nation and across the state. The nation has started an initiative declaring a war on drugs and is close to issuing a proclamation. The president urged the committee to persuade state government to help in solving a persistent drug problem on the nation, and he reported the nation is training drug dogs, but needs more police and related training. A second issue of concern, according to President Pasata, is the economic development within the nation.

Following President Pasata's remarks, various members of the council addressed the committee. Council member Troy Vicente reported the nation needs more electricity and the lack of reliable electricity is hindering building efforts. Without new transformers, the nation could be unable to install new computers and provide power to new buildings. He also mentioned that the nation is in need of a new law enforcement building. Council member Lester Andrez observed more improvement is needed in the area of recreation development and asked that committee members help with the nation's efforts to expand its fish hatcheries, to develop more recreational areas and to build more access roads in the back country. Council member Leon Reval asked the committee members to open their hearts and minds and thanked them for coming. Council member Kerwin Tafoya said that while the state has received \$8 million per year in oil and gas taxes on reservation lands, totaling over \$100 million through the years, the nation has not received an equitable amount back in financial assistance. The nation needs a cultural center, a civic center and day care facilities.

In a discussion involving committee members, several additional topics were noted:

- 1) when the state could not tax the elk herd, it found another way to raise taxes from the nation;
- 2) the nation has entered into agreements with various municipalities to supply them with water, particularly in times of drought; and
- 3) there is a lack of sawmills for processing timber cut on reservation lands.

### **Capital Outlay Projects**

Presenters included the following people from the nation who requested the committee's support for the following projects:

Elizabeth Muniz, higher education director for the nation, explained the need for a multi-purpose classroom for the Jicarilla Higher Education Program (\$250,000) to help and encourage young Jicarilla residents to complete their schooling; Rose Vigil explained the need for adding a conference room to the existing library (\$175,000); Lorraine Willis, director of the Cultural Affairs Office, discussed cultural issues facing the nation and explained the proposal for building

a Jicarilla Apache Cultural Center, for re-establishing special project funding and for architect design for a cultural center — the nation requested an appropriation in the amount of \$200,000 in the most recent legislative session but received only \$50,000; Mariam Cachucha from the Jicarilla Apache Department of Youth discussed the nation's need for a new youth center to address the needs of the nation's youth and to give them a place to go and things to do — the nation's youth is its greatest asset and they need to be better served; Iola Begay from the Jicarilla Department of Education described the progress that was being made on developing a tribal education code and preparing a "State of the Reservation Education Report", and discussed problems the schools have experienced with absenteeism; Loretta Vicente from the Jicarilla Department of Education discussed problems resulting from the difference in mandatory school attendance for the nation (18 years old) and for the state (16 years old) and the need for technical assistance to the nation for education. Following these presentations was a general discussion with questions from committee members.

### **Minutes**

The minutes of the committee's June 3, 2005 meeting were unanimously approved.

### **Recess**

Following the presentations on behalf of the Jicarilla Apache Nation, the committee recessed at 12:30 p.m. for lunch and to travel to the Jicarilla Apache Healthcare Facility.

### **Jicarilla Apache Healthcare Facility**

The committee reconvened at 2:00 p.m. at the Jicarilla Apache Healthcare Facility. Rick Mize, director, explained how the Jicarilla Apache Nation and the Indian Health Service were able to work together to jointly fund the construction, furnishing and staffing of the new facility. Following a description of the services available at the clinic and the technological capabilities that have been built into the clinic, Mr. Mize conducted a tour of the facility for committee members, including a photograph of Senator Ryan's right retina. Following the tour, the meeting was recessed at 4:00 p.m.

### **Thursday, July 7 - Torreon Chapter, Navajo Nation**

The second meeting of the Indian Affairs Committee for the 2005 interim was reconvened by Senator Pinto on Thursday, July 7, 2005, at 9:25 a.m. at the chapter house of the Torreon Chapter, Navajo Nation. The co-chair turned the meeting over to Representative Begaye and members of the committee and people in the audience introduced themselves.

### **Torreon Chapter, Navajo Nation - Status Update**

Chapter President Joe Cayaditto introduced Chapter Administrator Wally Toledo and Vice President Leo Charley, described the people of the chapter and its history and informed the committee that roads and rights of way are the most important issues at the chapter. President Cayaditto distributed and then reviewed a list of tribal priorities. That list is included in the meeting file and includes the following: a senior center building, fire department/police substation building, waterline project, youth center building, extension of solar electricity, economic development, road construction and maintenance, and a recreation park. Vice President Charley commented on the chapter's youth program, erosion control efforts, Native American arts and crafts activities, including the chapter's annual fair, and veteran code talkers

from the chapter.

On questioning from Senator Adair, the president noted that there are 184 to 200 houses in the chapter's area that have no water and 35 percent that have no electricity. Michelle Brown-Yazzie, deputy secretary of the Indian Affairs Department, confirmed that an estimated 48 percent of the homes on the Navajo Nation throughout New Mexico, Arizona and Utah are without utilities and noted that the purpose of establishing the Tribal Infrastructure Fund was to emphasize the need on the Navajo Nation for basic services. The committee discussed issues related to capital appropriations and improvements for chapters of the Navajo Nation, and Chase Van Gorder indicated this would be a topic to be discussed at the committee's August meeting in Gallup. The committee requested staff to draft a memorial from the Indian Affairs Committee to the Navajo Nation regarding setting aside money for chapters for reimbursement of infrastructure investments. The committee requested that Ms. Brown-Yazzie create a flow chart indicating how funds flow through the Indian Health Service, the Bureau of Indian Affairs (BIA), the county and state, or provide the one created for the Legislative Finance Committee. Committee members also requested a map indicating where each of the chapters lies.

NOTE: A packet was handed out to committee members on behalf of Dave Rico, who was unable to attend the meeting. Mr. Rico is the delegate to the Navajo Nation Council representing the Pueblo Pintado, Whitehorse Lake and Torreon/Star Lake chapters of the Navajo Nation. A copy of the handout is in the meeting file.

### **Education Issues**

Chee Smith, Jr., a school board member for the Pueblo Pintado BIA School, asked to address the committee on a number of issues. He mentioned the following areas of concern: 1) references by the Public Education Department to the Navajo language as a "foreign" language; 2) incomplete facilities at the new school at Pueblo Pintado; 3) lack of progress in the construction of highway maintenance yards by the state and the Navajo Nation; 4) lack of progress on the construction of a new senior center in the Whitehorse Lake Chapter and potential reversion of capital outlay funds; 5) the need for a new bridge and improved road to the new school in Pueblo Pintado; and 6) how the BIA has agreed to build a new elementary school in Pueblo Pintado with construction to begin in September.

### **Rural Electrification/Renewable Energy Resources**

David Melton, president and CEO of Sacred Power Corporation, gave a PowerPoint presentation about the products and projects his company is undertaking in the area of solar-powered energy. He advised committee members about new developments in providing alternate sources of energy to rural tribal homes and described the generation units his company has provided to rural homes in the Torreon and Ojo Encino chapters of the Navajo Nation through a competitive grant program of the United States Department of Agriculture. The products include portable solar cells that stretch along the ground and cost approximately \$17,000 per home as opposed to the \$35,000 to \$50,000 it costs to put in one mile of electric power. The ideal is to have standard electric access augmented by the solar cells, but where that is not possible the portable solar panels can be used. Senator Rodriguez moved that the committee write a letter to the United States Department of Agriculture in support of Sacred Power's grant application to provide additional solar power units to tribal homes in rural areas. Senator Pinto seconded the motion and it passed unanimously.

Chris Wentz, director of the Energy Conservation and Management Division of the Energy, Minerals and Natural Resources Department, gave a presentation reviewing the "Clean Energy Initiatives" programs that are being implemented by the department. These projects include renewable energy resources such as solar, wind, biomass and geothermal, energy efficiency and clean fuels. He reviewed places within the state where these programs are being implemented and stated the benefits from these programs include economic development and a cleaner environment. He noted that the division has shrunk from 20 to 11.5 employees, although it operates under a statutory mandate for clean energy. He reported that the division got two major capital outlay programs last year: a \$2.65 million capital outlay project at Jemez Mountain School for biomass generating from wood chips and a clean energy grants program.

### **Public Education**

Pancho Guardiola, superintendent of the Cuba School District, and Emily Vigil, assistant superintendent, presented to the committee the strengths and weaknesses of the Cuba School District. Mr. Guardiola acknowledged that truancy and substance abuse have been major problems in the district, but reported that the district now has a grant through the Public Education Department (PED) to stop truancy. The district also has special staff to deal with substance abuse on the reservation, although the policy is fairly controversial. Teachers are trying to meet with parents at the chapter houses in order to increase parental involvement. Money has been appropriated to renovate the middle school and the district is applying for money to rebuild the elementary school. Ms. Vigil report on the freshman academy program that is supported by an Indian education grant, which is intended to help students succeed in high school. She indicated they are looking at Navajo language and history classes and a mentoring program for students. The main challenges the district faces include gangs, graffiti, a lack of certified Native American teachers and the transfer of students between schools.

Joe Mendez, bureau chief of transportation for the PED, reported on problems with access to bus routes. He noted that local school boards contract for bus service, although the PED covers all 89 school districts and charter schools and moves 167,000 students daily. He said that three-fourths of New Mexico students are on traditional yellow buses. He reported that the Cuba district has a problem because it is losing student population and therefore faces a reduction in transportation funding.

### **Highway Construction and Maintenance**

A large panel representing the Navajo Nation, the state Department of Transportation, the BIA and McKinley County discussed with the committee problems of road construction and maintenance and access to Navajo homes. Tom Platero, director of the Navajo Nation Department of Transportation, described his organization and the efforts his department is making to coordinate activities with other agencies as demonstrated by the recent transportation summit meeting held in Window Rock, Arizona. The Navajo Nation is trying to expand its capability to get aggregate and its ability to acquire rights of way. Mr. Platero described specific projects in which his department is currently involved. At this point, agencies have agreed on projects including a road from Albuquerque to the Alamo Navajo reservation and improvements to Route 236 from Shiprock to Farmington. A principal recommendation is to enter into cooperative agreements with other agencies. David Acosta, McKinley County road superintendent, reported the biggest problem his agency faces is the acquisition of rights of way for road construction or improvement. His agency concentrates on school bus routes as those are

the roads that are the most heavily used. The county has appealed to Washington, D.C., for improving school bus funding. McKinley County Commissioner Billy Moore observed that all of the agencies have the same concerns and have been working over the past year to improve their working relationship. He also stated that the anti-donation clause of the state constitution can be a problem for dealing with private road situations. He noted that the county might be able to make more efficient use of road equipment that is purchased by chapters with state funds. Deputy Secretary Robert Ortiz led a contingent from the Department of Transportation that included Tom Teegarden, tribal liaison, and Larry Maynard and Lisa Vega from District 6. Deputy Secretary Ortiz presented the committee with a report detailing the department's maintenance operations and its relationship with tribal entities and with copies of the department's "Strategic Plan Performance Report". The department is conducting regional meetings to solicit input for the proposed GRIP 2 program. Mr. Maynard explained the workload faced in District 6 and indicated that the department is entering into memoranda of understanding with tribal governments to increase efficiency in operations. He reported that the collaborative efforts of the panelists indicate that they are working together well to meet intergovernmental challenges and that problems can be overcome. He said that the state's anti-donation clause hinders the department in emergencies where a school bus route includes a private road for a few miles, for instance. Ms. Vega explained how the Local Government Road Fund works, and Mr. Teegarden explained the purpose of his newly created position as tribal liaison. Irvin Bekis, division manager with the BIA's Division of Transportation, reviewed the division's sources of funding, which are always less than adequate. The division has asked for \$30 million but received only \$6 million for 5,000 miles of BIA roads and 175 bridges, 24 of which are deemed to be "severely deficient". He observed that the BIA has entered into a partnership with the state of Arizona for road maintenance and improvement and suggested that the same thing could be done in New Mexico.

Following the presentations regarding road and transportation issues, Representative Begaye recessed the meeting at 5:35 p.m.

### **Friday, July 8 - Pueblo of Zia**

The second meeting of the Indian Affairs Committee for the 2005 interim was reconvened by Representative Madalena on Friday, July 8, 2005, at 9:30 a.m. at the tribal administrative offices of the Pueblo of Zia.

### **Pueblo of Zia - Status Update**

Teofilo Pino, governor of the Pueblo of Zia, welcomed the committee and mentioned that he is new as governor and that he relies often on Ken Lucero, tribal administrator, who appeared with the governor before the committee. Governor Pino distributed to the committee a report updating a number of projects that the pueblo is undertaking. Projects funded by the state legislature include an intergenerational center, an ambulatory health center and a Head Start bus. There was a discussion about whether some of the funds may have expired or could be reauthorized so that the pueblo does not lose the funding. Current priorities for the pueblo include the following: 1) progress on settlement of the dispute with the state regarding the use of the Zia sun symbol; 2) completion of the intergenerational and ambulatory care centers; 3) implementation of Executive Order No. 2005-004 regarding the statewide adoption of pilot tribal consultation plans; 4) specific proposed GRIP 2 projects; and 5) federal funding of the

Albuquerque Indian Healthcare Center through the passage of Senate Bill 972 in Congress. Senator Rodriguez moved that the committee send an appropriate letter of support to the state's congressional delegation expressing its support for that legislation. The motion was seconded by Senator Rainaldi and passed unanimously. The pueblo also discussed its hopes that a settlement regarding the state's use of the Zia sun symbol is in the works, avoiding more litigation while recognizing the tribe's contribution of the symbol. A task force exploring settlement options has been meeting.

### **Veterans' and Military Affairs**

John M. Garcia, secretary of veterans' services, along with Farrell Udell, state director for veterans' centers, Joe Lucero, director of constituent services, and Lou Halwig, management and training for the Veterans' Services Center, gave a presentation regarding services rendered by the Veterans' Services Department to the 180,000 veterans residing in New Mexico (of which approximately 15 percent are Native American). The state is number one nationally in the number of veterans receiving benefits, totaling approximately \$372 million last year. The department is aggressively seeking to increase the amount of money flowing to New Mexico veterans. The state appropriated \$21.2 million for veterans' services in 2005, \$2.5 million of that for Native American veterans. In a written submission contained in the meeting files, the secretary addressed concerns of the committee, including ensuring that Native Americans have access to all available veterans' services, services and benefits offered by the department generally to veterans, the plight of homeless veterans, services offered to veterans returning from Iraq and Afghanistan and legislative priorities for 2006. The tribal veteran outreach programs now include four regional centers for Native American services, all of which offer clinical counseling as well as outreach. The department has met with tribal officials and requested that they appoint tribal veterans' service officers.

Kenny Montoya, adjutant general for the New Mexico National Guard, briefed the committee on the status and role of the Army and Air National Guard in New Mexico. There are approximately 4,000 members of the New Mexico National Guard, of which 1,000 are with the Air National Guard. Approximately 3,000 members have been deployed for active duty related to the global war on terrorism. There have been no fatalities to date among National Guardsmen on duty in Iraq and Afghanistan, although 16 Purple Hearts have been awarded. General Montoya described the role of the National Guard in both military service and community service. Approximately four percent of the National Guard members are Native American, and only 10 tribes are represented in the Honor Circle. The National Guard has four new Native American recruiters. General Montoya thanked committee members for the \$100,000 appropriation for guard equipment and he acquainted committee members with the Youth Challenge program, housed at Roswell, where high school dropouts, drug offenders and others take something like basic training and have an opportunity to improve themselves and become eligible for the guard.

### **Homeland Security in Indian Country**

Tim Manning, director of the Office of Homeland Security, presented information to the committee regarding the role of the office in distributing funds from the federal government to local communities for enhancing their capability to respond to incidents of terrorism. He detailed funds that have been made available to various tribal entities within the state. For the

most part, these funds must be used for equipment rather than for personnel. Mr. Manning indicated that he will be meeting with Secretary Shendo to determine if the Indian Affairs Department can assist in establishing relationships with tribal governments. He and Secretary Shendo will have a meeting soon to discuss areas where they can more successfully collaborate.

### **Housing at Pueblo of Jemez**

Representative Madalena asked that Dave Cade from the Pueblo of Jemez' Housing Department be allowed to describe his affordable housing program to the committee. Mr. Cade explained the program to the committee members and introduced his new intern, Darryl Madalena. The committee was invited to attend the pueblo's first annual housing fair to be held on August 19.

### **Other Business**

Upon a motion by Senator Pinto, seconded by Representative Zanetti and passed without objection, the second meeting of the Indian Affairs Committee for the 2005 interim was adjourned at 1:10 p.m.